

### **REMARKS**

Claims 7 and 15-20 are currently pending in the application. Claims 15 and 17 are in independent form. The claims have been amended to more specifically recite the claimed invention. The amendments to the claims can be found in the specification as originally filed. Specifically, the specification as filed discloses on page 6, lines 16-33 the manner in which an item is recorded by the seller.

Applicant wishes to express his appreciation for the courtesies extended Applicant's representative, Amy E. Rinaldo, during a telephonic interview conducted on November 17, 2006. During the interview the prior art cited below was discussed as well as the general state of the art. The presently pending claims recite a method for use in establishing contact between a buyer and a seller of goods such as automotive goods, as disclosed throughout the specification and more specifically at page 1, lines 23 through page 2, line 12. Currently, it is common business practice for sellers to be contacted via telephone by prospective buyers to obtain purchasing information with regard to a specific product. This is a time-consuming venture and is often without value as the sellers are often hesitant to provide information with regard to the details of their inventory. Additionally, the parts to be listed are difficult to standardize. In other words, a single part may listed differently by each seller. This adds to the difficulty in obtaining information about the availability of a part. The prior art patents cited in the outstanding Office Action relate to on-line transactions not a method of exchanging contact information between two parties based upon the availability of a specific item.. There is no motivation for those of skill in this art to conduct business on-line in the manner recited in the presently pending claims and thus the patents cited thus far during prosecution are non-analogous because those of skill in the art would not look to typical on-line transactions in order to provide a method for introducing buyers and sellers and not conducting on-line sales.

Claims 17-20 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Office Action has held that the claims recite software structures not claimed as embodied in computer-readable media and therefore are descriptive material per se and thus are not statutory subject matter because they are not capable of causing a functional change in a computer. The claims have been amended to recite that the software is embodied in computer-readable media as suggested and reconsideration of the rejection is respectfully requested.

Claims 7 and 15-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action has held that a recitation in claim 7 lacks proper antecedent basis. Claim 7 has been amended to provide proper antecedent basis for all recitations therein. The Office Action has also held that claims 15 and 17-20 are indefinite because there are contradictions within the claims. The claims have been amended to both clarify the claimed subject matter and eliminate any contradictions within the claims. Finally, the Office Action has held that claim 20 includes a recitation that is unclear. In order to further prosecution, claim 20 has been amended to more clearly recite the claimed invention. Reconsideration of the rejections is respectfully requested.

Claims 7 and 15-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Purcell patent. Reconsideration of the rejection under 35 U.S.C. §102(b), as anticipated by the Purcell patent, as applied to the claims is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

In Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed. Cir. 1986) it was stated: "For prior art to anticipate under §102 it has to meet every element of the claimed invention."

In Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) it was stated: "Every element of the claimed invention must be literally present, arranged as in the claim."

The Office Action has held that the Purcell patent discloses a method for facilitating the exchange of information between vendors and seekers through a communications network including the steps of: entering vendor item records into a listing catalogue, the item records corresponding to items listed in an item catalogue; generating search queries by identified seekers for items listed in the item catalogue, the seekers only having access to search the item catalogue and not having access to the listing catalogue or to information about any vendor; automatically searching the listing catalogue for items matching those being searched for by the seekers and providing details of the matched items, but not details of the vendors, to the seekers; enabling seekers, at their option, to view the identity of the vendor of any of the matched items; and subsequently, automatically providing the identity of the seeker and the items viewed to the identified vendor of any viewed item through the communication network.

When read more specifically, the Purcell patent discloses a product listing from information provided by the sellers, thus the listing is created from scratch by each seller. It is therefore up to the seller to provide both the description and titles for all of the products to be included in the listing. This creates a great deal of discrepancies because it is virtually inevitable that sellers will define and title the products differently. Such listings are difficult for users to search, because there is

no uniformity in naming and defining the products. Additionally, the Purcell patent discloses an Administrator that serves as a "clearinghouse" to exclude contact between the seller and buyer.

In contradistinction, the presently pending independent claims recite a uniform catalogue that includes a finite amount of listings. The seller can only include products that are included in the listings provided. Additionally, the buyer, upon inputting a query, will be provided with a complete listing of all available products. Sellers can, after receiving notification of the name of the buyer, refuse access of a particular buyer to the Seller's listings. Since, the Purcell patent does not disclose the method or system of the presently pending independent claims, the presently pending independent claims are patentable over the Purcell patent and reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above, and the prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In conclusion, it is respectfully submitted that the presently pending claims are in condition for allowance, which allowance is respectfully requested. Applicant respectfully requests to be contacted by telephone if any remaining issues exist.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



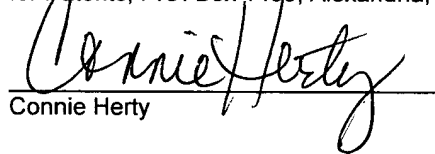
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Dated: December 15, 2006

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Connie Herty